



REMARKS

Claims 1, 3-20 and 22 are pending in the case. The Examiner's reconsideration of the rejections is respectfully requested in view of the amendment and remarks.

Claims 1, 3-11, 19, 20 and 22 have been rejected under 35 U.S.C. 101, wherein the Examiner stated essentially that the claimed invention is directed to non-statutory subject matter.

Referring to claims 1, 3-11, 19, 20 and 22; In *Diamond v. Diehr*, 450 U.S. 175, 209 USPQ 1 (1981), the Court noted, "when [a claimed invention] is performing a function which the patent laws were designed to protect (e.g., transforming or reducing an article to a different state or thing), then the claim satisfies the requirements of Section 101." *Diehr*, 450 U.S. at 192. In claim 1, a tangible link is displayed representing an association between an element of a first perspective and at least one element of a second perspective, wherein each element of the second perspective is an abstract graphical display of a corresponding predefined characteristic of the user activity within the environment. Claims 12 and 19 include substantially similar limitations. The tangible link is a reduction of data associating two perspectives of an environment; a tangible link as claimed would reveal an association not recognizable from two

environments individually. Therefore, the tangible link is believed to be a useful, tangible and concrete result of the application of the claimed limitations. For example, consider the following:

"[T]ransformation of data, representing discrete dollar amounts, by a machine through a series of mathematical calculations into a final share price, constitutes a practical application of a mathematical algorithm, formula, or calculation, because it produces 'a useful, concrete and tangible result' -- a final share price momentarily fixed for recording and reporting purposes and even accepted and relied upon by regulatory authorities and in subsequent trades." *State Street*, 149 F.3d at 1373, 47 USPQ2d at 1601.

It is important to note that a resulting use of the final share price for recording and reporting purposes, etc., is not recited in the claims of the patent at issue in *State Street*. It is enough for the result, e.g., a final share price or a tangible link associating an element of a first perspective and at least one element of a second perspective, to be useful. A limitation explicitly claiming a use of the result is not needed to satisfy the requirements of 35 USC 101. In claims 1, 12 and 19 of the

present case, a tangible link associating the element of the first perspective and at least one element of a second perspective is believed to be a useful, concrete and tangible result, for example, in data analysis or online communities.

Thus, for the reasons given above, claims 1, 12 and 19 are believed to be directed to statutory subject matter and therefore satisfy 35 USC 101. Claims 3-11 depend from claim 1. Claims 20 and 22 depend from claim 19. The dependent claims are believed to be allowable for at least the reasons given for the respective independent claims.

Claims 1, 3-20 and 22 have been rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Examiner stated essentially that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

Referring to claims 1, 12 and 19, the Examiner stated essentially that the disclosure lacks clear written description of specific user activities and their relationship to the environment. User activity within an environment is well established in the specification. For example, see page 8, lines 13-21 and page 9, lines 10-18, wherein among other things, user activity can be measured according to when a user last performed

a given act such as switching to a new topic in a chat application or performing a financial transaction. Environments are well described, among other places, at page 8, lines 13-19. For example, an environment includes resources shared among users.

Referring to claim 3; claim 3 claims "determining a value of at least one predefined characteristic of the user activity; and dynamically incorporating the value of the at least one predefined characteristic of the user activity in the activity map." The Examiner stated essentially that the disclosure lacks clear written description in the description of specific user activities and its relationship to the environment.

Applicants respectfully disagree. Within the specification, in addition to the more general descriptions found at page 8, lines 13-21 and page 9, lines 10-18, detailed descriptions corresponding to claim 3 are given at, for example, page 10, lines 16 to page 12, line 2, and page 14, line 14 to page 16, line 10. For example, a virtual environment is a number of topics (e.g., shared resources) for user interaction, or a physical environment bound to geography (see for example, Figure 4 where user locations are displayed).

Claim 4 claims "each predefined characteristic of the user activity includes one of a user location (see for example, page 11, line 9 to page 12, line 2), a user status within a hierarchy

(see for example, page 15, line 21 to page 16, line 3), a user emotion (see for example, page 9, lines 12-14 and page 14, lines 19 to page 15 line 4), and a quality of user conversation (see for example, page 11, lines 15-17)." These and other characteristics are described throughout the specification.

Claims 5, 6, 8-10 and 15-17 are illustrated in, for example, Figure 3 and described in the accompanying disclosure. Claim 7 is described at, for example page 18, lines 3-15. Claims 11, 13, 14, 20 and 22 are described at, for example, page 14, lines 3-13. Claim 18 is described at, for example, page 9, line 19 to page 10, line 2.

Reconsideration of the rejection is respectfully requested.

Claims 1, 3-20 and 22 have been rejected under 35 USC 102(e) as being anticipated by Eick et al. (U.S. Patent No. 6,154,212). The Examiner stated essentially that Eick teaches all the limitations of claims 1, 3-20 and 22.

Claim 1 claims, *inter alia*, "displaying a tangible link representing an association between the element of the first perspective and at least one element of a second perspective, wherein each element of the second perspective is an abstract graphical display of a corresponding predefined characteristic of the user activity within the environment." Claim 12 claims, "representing the aspect in an activity map including at least two perspectives; representing an activity of a user within the

environment; and representing the activity of the user as a tangible link between each perspective." Claim 19 claims, *inter alia*, "displaying at least one different aspect of user activity in each of at least two perspectives of an activity map, wherein the perspectives are associated by the user activity of a market participant, wherein an association between perspectives is represented as a tangible link connecting perspectives, wherein the tangible link is a line linking aspects of the user activity of the market participant represented separately in the at least two associated perspectives of the activity map."

Eick teaches a network interface including a network view (see Abstract). Eick does not teach "displaying a tangible link representing an association between the element of the first perspective and at least one element of a second perspective" as claimed in claim 1, "representing the activity of the user as a tangible link between each perspective" as claimed in claim 12 or "displaying at least one different aspect of user activity in each of at least two perspectives of an activity map, wherein the perspectives are associated by the user activity of a market participant, wherein an association between perspectives is represented as a tangible link connecting perspectives" as claimed in claim 19. Eick teaches a geographic view of network traffic. Eick does not teach a tangible link representing an association between elements of two perspectives, or a tangible

link between perspectives. For example, as shown in Figures 3 and 4, each view is treated entirely separate; no link between these views is taught. Nowhere does Eick teach a tangible link between perspectives. Therefore, Eick fails to teach a tangible link between perspectives, essentially as claimed in claims 1, 12 and 19.

Claims 3-11 depend from claim 1. Claims 13-18 depend from claim 12. Claims 20 and 22 depend from claim 19. The dependent claims are believed to be allowable for at least the reasons given for claims 1, 12 and 19. At least claims 6 and 16 are believed to be allowable for additional reasons.

Claim 6 claims "wherein the tangible link is a line linking a user's activity represented separately in the at least two perspectives of the activity map." Claim 16 claims, "the tangible link is a line linking a user's activity represented separately in the at least two perspectives of the activity map."

Eick teaches a network interface including a network view (see Abstract). Eick does not teach "a line linking a user's activity represented separately in the at least two perspectives of the activity map" as claimed in claim 6 or "the tangible link is a line linking a user's activity represented separately in the at least two perspectives of the activity map" as claimed in

claim 16 Nowhere does Eick teach a line linking two perspectives essentially as claimed in claims 6 and 16.

The Examiner's reconsideration of the rejection is respectfully requested.

For the forgoing reasons, the present application, including claims 1, 3-20 and 22, is believed to be in condition for allowance. The Examiner's early and favorable action is respectfully urged.

Respectfully submitted,



Nathaniel T. Wallace
Reg. No. 48,909
Attorney for Applicants

F. CHAU & ASSOCIATES, LLC
130 Woodbury Road
Woodbury, New York 11797
TEL: (516) 692-8888
FAX: (516) 692-8889